

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

MODIFIED STATEMENT OF REASONS

TITLE 13, CALIFORNIA CODE OF REGULATIONS DIVISION 2, CHAPTER 6.5, AMEND ARTICLE 1, DEFINITIONS AND GENERAL PROVISIONS, SECTION 1200 AND 1201 AND ARTICLE 2, SCHOOL BUS, SPAB, YOUTH BUS, AND FARM LABOR VEHICLE DRIVER CERTIFICATES, SECTIONS 1217, 1221, 1222, AND 1232 AND ADDS NEW SECTION 1231.2 PAB VEHICLE INSPECTION

MOTOR CARRIER SAFETY PUPIL ACTIVITY BUSES (CHP-R-09-01)

PURPOSE OF REGULATORY ACTION

California Vehicle Code (CVC), Section 34501 requires the Department of the California Highway Patrol (CHP) to adopt reasonable rules and regulations which, in the judgment of the Department, are designed to promote the safe operation of vehicles described in 34500 CVC. Those regulations are contained in Title 13, California Code of Regulations (CCR).

The CHP proposes to amend and add regulations in Title 13, CCR, relating to certain vehicles, under a new classification of vehicle listed in the CVC, Section 545(k), hereafter referred to as a Pupil Activity Bus (PAB), having a passenger capacity of not more than 25 persons including the driver, while being used for the transportation of pupils to or from school-related activities (i.e., Grad Night, proms), if the vehicle is operated by a charter-party carrier licensed by the Public Utilities Commission, not under contractual agreement with a school or district, whereas, this vehicle is excluded from the definition of school bus.

The proposed regulatory action will establish periodic safety inspection requirements; inspection fees authorized by CVC, Section 12517.45, for vehicles define in CVC, Section 545(k); and annual vehicle safety inspections conducted by the CHP. The proposed regulatory action will also prohibit alcoholic beverages transported in a PAB; smoking in a PAB, when a pupil is aboard; and prohibit the driver from ejecting any school pupil unless the pupil is given into the custody of a parent or any person designated by the parent.

The CHP also proposes to amend Section 1201 by adopting, by reference, the Society of Automotive Engineers (SAE) definition of "Motor Vehicle Chassis," as defined in SAE Standard J687c, June 1972. This rulemaking action will clarify the term chassis as used in 13 CCR, Section 1272 and other sections within Chapter 6.5. The 1972 edition of SAE Standard J687c is referenced due to this edition being in effect when Title 13, CCR, Section 1272, was amended in 1981, adding subsection (c) for chassis modifications. This amendment is a technical,

nonsubstantive change to existing regulation and is being done to clarify language in an effort to make the chapter easier to use.

The CVC, Section 2402 authorizes the Commissioner of the CHP to make and enforce regulations as necessary to carry out the duties of the CHP.

The CHP proposes to make amendments to Title 13, CCR, Sections 1200, 1201, 1217, 1221, 1222, and 1232, with regard to PAB requirements, and adds new Section 1231.2.

SECTION BY SECTION OVERVIEW

Article 1, Definitions and General Provisions

§1200 - Scope.

Subsection (a) is proposed to add pupil activity buses (PAB), CVC, Section 545(k), to the list of vehicles to which the motor carrier safety regulations in Title 13, CCR, Chapter 6.5, apply. Adding 545(k) CVC clarifies Chapter 6.5 is applicable to vehicles listed in that Section.

§1201 - Definitions.

Subsection (b) is proposed to add CVC, Section 545(k), to the list of vehicles defined as either a “Type 1” or Type 2” bus. School buses and all other buses are subject to a classification of either Type I or Type II, depending upon gross vehicle weight, year model, and passenger capacity, which will vary the applicability of certain safety regulations; therefore, 545(k) CVC vehicles need to be classified as one of the two types of buses in order to properly apply the regulations.

Subsection (c) is proposed to add the definition of “Motor Vehicle Chassis,” as defined in SAE Standard J687c, June 1972. The term “motor vehicle chassis” is used in certain sections of Title 13, CCR, Chapter 6.5. The original use of the term was based upon an SAE definition; however, the term was not defined to readers and users of Title 13, CCR, Chapter 6.5, therefore in order to apply the term consistently, a regulatory definition of the term is necessary.

Subsection (u) is proposed to add “Pupil Activity Bus” (PAB) under definitions, defining PAB as any motor vehicle specified in CVC, Section 545(k). Additional changes to subsections (c) thru (gg) are made to alphabetically accommodate “Motor Vehicle Chassis” and PAB.

The PAB is a new vehicle type, described in CVC, Section 545(k), defining a motor vehicle operated in a specific mode, with a specific passenger capacity, as an exception from the definition of school bus. In order to more clearly identify the type of vehicle listed in CVC, Section 545(k), the CHP has elected to label this vehicle type in order to more clearly identify its use throughout the regulations.

Subsection (v) is proposed to add PAB to the list of vehicles identified in the term “Pupil Transportation”. The term pupil transportation is used in certain sections of

Title 13, CCR, Chapter 6.5. The pupil transportation regulations apply to specific vehicles transporting school pupils. The new PAB, 545(k) CVC, vehicles will be transporting school pupils, therefore requiring PAB to be included in the term “school pupil transportation.”

Article 3, General Driving Requirements

§1217 - Transportation of Passengers.

Subsection (j) is proposed to prohibit a PAB driver from ejecting any school pupil unless the pupil is given into the custody of a parent or any person designated by the parent. Operators of school pupil transportation vehicles are prohibited from ejecting pupils except to give custody of the pupil to a person designated by the school. The PAB operation does not involve a direct contract with the schools; therefore, it would be inappropriate to require PAB operators to release pupils to the school. For this reason, it was necessary to create a new sub-section with the exact wording, except to permit the operator to release to pupil into the custody of a parent or any person designated by the parent.

Article 4, Additional Requirements for School Bus, SPAB, and Youth Bus Drivers

§1221 - Alcoholic Beverages is proposed to prohibit the transportation of alcoholic beverages, in a PAB, at any time. Motor carriers transporting school pupils in a PAB vehicle are prohibited from transporting alcohol, providing a safe and appropriate controlled environment for the pupils.

§1222 - Smoking is proposed to prohibit smoking in a PAB when a pupil is onboard. Motor carriers transporting school pupils in a PAB vehicle are prohibited from smoking, providing a safe and appropriate controlled environment for the pupils.

Article 6, Carrier Requirements

§1231.2 - PAB Vehicle Inspection.

Subsection (a) is proposed to require each PAB be inspected, by an authorized employee of the CHP, every 13 months. This subsection mandates PABs to be inspected by the CHP annually to verify and/or ensure motor carriers maintain PABs in a safe and proper operating condition. The vehicle inspection will be performed by CHP consisting of an in-depth inspection verifying compliance with requirements listed in Title 13, CCR and CVC. Any violations discovered are required to be repaired and documented, and any repair record shall be retained by the carrier for one year pursuant to Title 13, CCR, Section 1234.

Subsection (b) is proposed to require the inspection report, issued by the department, be placed in the vehicle in an easy-to-reach location and be presented, upon request, to any person using the services of the motor carrier or any authorized representative of the CHP. The purpose of this

subsection is to ensure verification of a CHP inspection is available for a user of the PAB operator is able to verify the vehicle was inspected by a representative of the CHP

Subsection (c) is proposed to require an inspection fee of seventy-five dollars (\$75) for each PAB to be inspected. This subsection is a charge to charter-party carriers for those costs associated with the CHP conducting the annual vehicle inspection. Assembly Bill No. 830, Chapter 649, 2008, permits CHP to charge a reasonable fee sufficient to cover the costs incurred for conducting the annual inspections.

§1232 - Vehicle Inspection and Maintenance.

Subsection (b) is proposed to require periodic preventive maintenance for each PAB, and require every PAB be inspected every 3,000 miles or 45 calendar days, whichever occurs first. Motor carriers are required to have a systematic preventive maintenance program and maintain vehicles in a safe and proper operating condition pursuant to Title 13, CCR, Section 1232(a). This subsection requires a periodic safety inspection in addition to the carrier's regular systematic preventive maintenance program. School buses, School Pupil Activity Buses (SPAB), and General Public Paratransit Vehicles (GPPV) transporting school pupils are examples of other types of vehicles required to have this periodic inspection.

WRITTEN COMMENT PERIOD

The CHP received two written responses to the January 29, 2010, Notice of Proposed Regulatory Action. Summaries of the two written comments, discussions and responses follow.

1st Written Commenter:

Mr. Michael G. Rea

Government Relations Chair

California Association of School Transportation Officials (CASTO)

Comment:

“CASTO has reviewed the Notice of Proposed Regulatory Action referenced above. It appears that with the proposed regulations, all of the concerns and questions by operators of VC 545 K vehicles are clarified and the responsibilities are clearly defined. We appreciate the effort that has been taken to maintain the spirit of the law in ensuring the safety of students that are traveling on vehicles other than school buses for school activities. It does not appear that there are any unresolved issues at this time. CASTO supports these proposed regulations. Thank you for your work on these proposed regulations.”

CHP Response:

The CHP acknowledges the comment by CASTO and has included the comment in the rulemaking file.

2nd Written Commenter:

Mr. Alan Shanedling

President

Greater California Livery Association

Comment: “The Greater California Livery Association (GCLA), a statewide association whose purpose is to unite and promote the chauffeured transportation industry as responsible and reputable operators, is working to assure public safety and legal compliance of its membership. GCLA believes that every operator has the right to operate their business as they deem necessary, provided that it complies and operates within the limits of the law and protects its clients, the public. GCLA also strives to assure that the law reflects the uniqueness of the livery transportation industry.

Assembly Bill 830, which was sponsored by GCLA, was signed into law and became effective January 1, 2009, (Chapter 649, 2008). Assembly Bill 830 amended California Vehicle Code (CVC) Section 545, adding subsection (k). The California Highway Patrol (CHP) proposes to amend and add regulations in Title 13, California Code of Regulations (CCR), relating to certain vehicles, specifically regarding a new classification of vehicle listed in the CVC Section 545(k). GCLA would like to comment on the proposed actions.

Section 1201. Definitions.

Proposed paragraph (u) “PAB - Pupil Activity Bus. For the purpose of this Chapter, any motor vehicle specified in Vehicle Code Section 545(k).” GCLA would like to commend the CHP for establishing the term “PAB” for vehicles specified in CVC section 545(k). Vehicles that fall under section 545(k) had no easy reference. CHP appropriately has coined a term for those vehicles. GCLA suggests that additional clarity would include the seating capacity of the vehicles. The seating capacity for 545(k) vehicles is 11-25 passengers including the driver.”

CHP Response: Regarding the definition of PAB in 13 CCR, the CHP believes it beneficial to reference each type of vehicle, for clarity and understanding when reading 13 CCR. Definitions in 13 CCR are to define the meaning of terms and words used throughout (unless otherwise defined within a Section). Words that are adequately defined in the CVC are referenced instead of duplicating clear statute in regulation. With this said, the capacity parameters the commenter asked to be included in regulation are already clear in statute and are not necessary in regulation.

Comment: “Section 1217. Transportation of Passengers.

Proposed paragraph (j) “Ejection of Pupils. The driver of a PAB shall not eject any school pupil unless the pupil is given into the custody of a parent or any person designated by the parent.” A definition or a description of the term “eject” is necessary. There are scheduled and arranged stops during which passengers exit the vehicles. Exiting may or may not be interpreted as “ejecting,” clarification is needed. GCLA suggests that the word “eject” be defined in the paragraph.”

CHP Response: The term ejection of pupil, is to expel a disorderly patron, to remove, to oust, to eject a pupil against their will, a pupil having been involuntarily removed from the PAB. The

scheduled stops at hotels and restaurants, destinations A and B as arranged, and returning the pupil to the point of origin of the ride, are examples of stops chosen by the patrons; these examples would not be considered an ejection. By reason, the parent(s) are not required to be at every mutually agreed stop to accept the pupil, with the exception of when the pupil is ejected.

Comment: “Section 1221. Alcoholic Beverages.

Under CVC 545(k) the law for alcoholic beverages in PAB vehicles is California Public Utilities Code (PUC) 5384.1. Under PUC 5384.1 it is unlawful for alcohol to be transported in the passenger compartment of the vehicle when minors are being transported. Alcoholic beverages may be carried in the trunk or other locked compartment. The proposed regulation should include conformity language with PUC 5384.1.”

CHP Response: Under the PUC Section 5384.1, allows alcohol to be transported and consumed in limos by a parent or guardian of at least age 21; otherwise, if the parent or guardian is not present, the alcohol is still permitted to be transported; but, the alcohol must be in the trunk or a locked compartment of the vehicle; however, transporting alcoholic beverages in a PAB will remain prohibited. For safety and consistency, the PAB rules were written similar to alcoholic beverage regulations for a school bus, a youth bus, and a SPAB. The intent of the regulation is to be consistent with other school pupil transportation regulations; therefore, PUC Section 5384.1 would not be appropriate in this instance.

Comment: “Section 1231.2 PAB Vehicle Inspection.

Proposed paragraph (c) “PAB” Inspection. The fee for inspection of a PAB is ninety dollars (\$90)... Under CVC 12517.45 (a)(2)(B) the CHP may charge a “reasonable fee” for inspection of a PAB. GCLA believes that ninety-dollars per vehicle is not a reasonable fee.

All charter-party carriers licensed with the California Public Utilities Commission (CPUC) pay inspection fees upon licensure, and annually thereafter, to cover the cost of CHP inspection of vehicles with a passenger seating capacity greater than 10. The cost is \$15 per vehicle. Every charter-party carrier pays \$15 for each vehicle in his or her fleet. The fee is collected by the CPUC and distributed to the CHP on a quarterly basis.

A charter-party carrier’s payment of the \$15 inspection fee includes those vehicles designated as SPAB (School Pupil Activity Bus) vehicles. There is no additional or separate fee for the CHP inspection of a SPAB. It would be reasonable for the same process to apply to vehicles designated as PAB.

The reasonableness of a ninety-dollar fee for one charter-party carrier vehicle, and no such additional fee for a similar and often larger charter-party vehicle, is questionable. The proposed \$90 fee is in addition to the current \$15 inspection fee.

GCLA recognizes that there is a cost to inspect PAB vehicles. The current cost to inspect charter-party carrier vehicles is \$15. The fee and inspection covers vehicles that may or may not be designated as a PAB. GCLA suggests that the fee of \$15 is reasonable for the inspection of PAB vehicles.

Greater California Livery Association would like to request a public hearing on the proposal to amend and add regulations in Title 13, California Code of Regulations (CCR), relating to certain vehicles, specifically regarding a new classification of vehicle listed in the California Vehicle Code (CVC) Section 545(k). The public hearing format would best allow for the CHP and its Commercial Vehicle Section to hear comments and ask questions of charter-party carriers effected by the proposed regulations. Please inform GCLA of the date, time and place of the public hearing.”

CHP Response: Regarding the proposed \$90 cost for the PAB inspection. Vehicle inspection fees have been required for many years on other types of school pupil transportation buses, for example, certified General Public Paratransit Vehicles, and certified Youth Buses. The CHP understands PUC, Section 5372(c), requires each Charter-party carrier that operates buses to pay an annual fee of \$15 per tour bus to offset the cost of the annual terminal inspections. Although the fee is assigned on a per bus basis, the fees generated are intended to offset the CHP annual terminal inspection costs. The CHP annual terminal inspection encompasses the complete inspection, including the vehicles, maintenance records, and driver records.

Assembly Bill No. 830, Chapter 649, 2008, permits the CHP to charge a charter-party carrier a reasonable fee sufficient to cover the costs incurred for conducting the annual inspections; therefore, factoring in \$15 to PUC, and after careful consideration, the proposed text has been amended to require \$75 for the PAB inspection, to total a fee of \$90 per vehicle.

PUBLIC HEARINGS

The CHP held a public hearing on May 7, 2010. The hearing related to pupil activity buses. Four attendees provided five comments. A summary of this hearing follows.

1st Commenter:

Mr. Rob Grossglauser
Government Affairs Consulting
Representing Greater California Livery Association

Comment: “I am Rob Grossglauser, representing GCLA, the Greater California Livery Association. I want to thank you this morning for having the public hearing. We saw the regulations purposed, and we responded in written format, so thank you very much. I want to start with thanking the CHP and their staff for helping term that sort of vehicle that has been sort of difficult for us to term, and those are those 11 to 25 passenger vehicles that aren’t quite buses but they’re big vehicles so the term PAB is appreciative; we appreciate that term because today or before that, no one has been able to come up with a term for those vehicles. We had a couple sort of technical suggestions for the regulations in our letter to the CHP, one of them dealing with the ejection of pupils, it would help us to clarify what the ejection meant. I know that in conversations with the CHP, that the sort of scheduled stops wouldn’t be considered ejection, but often times the nature of the livery transportation, you have students that are getting in and out of the vehicle at a set time whether being at a hotel or picked up at a restaurant, and so on and so forth, and there aren’t parents there to accept them; it’s the parent who is arranging the service in

the first part, they're the ones contracting for the service, but they aren't always at destination A and B, because I believe that the driver shall not eject any school pupil unless the school pupil is given into the custody of the parent, or any person designated by the parent, again just sort of a technical clarification on ejection would be quite helpful for us.

Additionally, it references the prohibition of alcohol beverages which we support completely, however, we would like to have a reference to some conformity with the Public Utilities Code section of California law, specifically 5384.1. That's what we use to make sure the students are safe and make sure we follow the proper alcohol parameters, and last but not least, in all purpose and crutch of our discussion, is dealing with the vehicle inspection.

This is a new inspection requirement for these PAB vehicles, we currently pay in \$15 to the PUC for every vehicle that we have, and then I believe they distribute to the CHP, we are not arguing that the CHP should be absorbing any new cost for this inspection, but our understanding is that SPAB inspections which are fairly similar to a PAB inspection are currently at a cost of zero dollars, and so we thought that a discussion today, would be needed to discuss whether or not the two inspections should have some sort of connection with regards to the fee, and everything like that because we could be taking a SPAB inspection on a vehicle that seats 14. Some of our operators have been forced to do that in the past before our association supported AB 830. Here with the PAB we've added a new \$90 inspection fee that doesn't make too much sense for us so we just want to have that discussion. That was to kick it off; we have our folks from the association and the people actually doing the work here, and I defer to them on the details. Thank You."

CHP Response: The concerns raised by Mr. Rob Grossglauser are consistent with the comments provided by Mr. Alan Shanedling during the written comment period. Please see the CHP's response to those comments.

2nd Commenter:

Mr. Alan Shanedling
President
Greater California Livery Association

Comment: "Good morning, I'm Alan Shanedling President of the Greater California Livery Association. Just to mirror what Rob said about the \$90 charge, all buses, it's my understanding, we pay \$15 per vehicle to the PUC and get their inspection following that whether it's a SPAB, PAB or just a regular over-the-road inspection and we don't understand why the additional \$90, when everybody else is paying the \$15. This is a new fee that is, as far as we're aware, has not been charged to any other type of bus. That's basically it."

CHP Response: The concerns raised by Mr. Alan Shanedling are consistent with the comments provided by Mr. Rob Grossglauser during the written comment period. Please see the CHP's response to those comments.

3rd Commenter:

Mr. Mo Garkani

Greater California Livery Association

Comment: “My name is Mo Garkani and I’m with the Greater California Livery Association as well, I do currently have vehicles that get inspected annually by the CHP and we pay the \$15, and as far as SPAB goes, we get SPAB certified from the manufacturer so then when the CHP comes and inspects the vehicle the first time their pretty much doing the exact thing the SPAB inspection is so I don’t even know what the need of that is, or if they can do it at the same time because we actually provide the CHP when they come, because we have our own mechanic shop, with jacks to lift them up of course we have to take the cars off the jobs for the one day they come to do the inspection and if you have to do it two different times I mean it’s obviously bad for business and it costs two costs. It’s not so much the \$90, first of all you’re going to have to take him another day off the clock, and then the CHP has to come all the way back over there so I don’t understand why they can’t do it all at once, and plus once the car’s already certified by the manufacturer the CHP inspection would cover the inspection, I really have no need of the separate inspection, that’s about it, of course the \$90, nobody wants to pay it, but if the guy is already coming to inspect it, they’re putting the car on jacks they’re going under the whole car they’re doing a very thorough inspection throughout the whole car inside and out, then they’re going to come back again a month later and charge you and do the same exact thing, so I don’t know what the need of that is. Thank You.”

CHP Response: The purpose of a SPAB is to allow a common carrier, a publicly owned or operated transit system, or a passenger charter-party carrier, under a *contractual agreement* (emphasis added) between a school and the carrier, to transport school pupils at or below the 12th-grade level to or from a public or private school activity, or used to transport pupils to or from residential schools; these carriers are those in business for the principal purpose of transporting members of the public on a commercial basis, and the drivers of SPAB vehicles are subject to the regulations governing schoolbus drivers. Certifications for SPAB vehicles are performed by CHP and not the manufacturer. Manufacturers cannot certify SPAB vehicles; however, manufacturers do certify the vehicles to be in compliance with the Federal Motor Vehicle Safety Standards. The purpose of the SPAB and PAB vehicle inspection is to ensure the vehicle is in compliance with provisions of the CVC and 13 CCR (state laws) before being placed into service transporting pupils.

4th Commenter:

Mr. Alan Shanedling

President

Greater California Livery Association

Comment: “Alan Shanedling again. One of the things we haven’t seen yet is the difference in the inspection requirement for what you go through for a SPAB and for our type of vehicles, especially the larger limousines. I believe under the bill, the CHP was supposed to come forward, there were suppose to be some different ground rules or inspections because of the

difference of the vehicles from buses to limousines, so we haven't seen that yet. We're wondering what stage we're going to have that available to us. Thank You."

CHP Response: The CHP inspects buses thoroughly for compliance with CVC and Title 13, CCR. The bus inspections are in-depth, which includes all vehicle components. With regard to the SPAB inspection, if the inspection does not result in any violations of critical items the vehicle will be certified for use as a SPAB. The CHP bus inspection for a PAB and SPAB are nearly identical, with the exception of a few additional requirements for a SPAB, and a certification document which is not required for the PAB. A SPAB requires a CHP developed certificate, certificate holder, passenger seatbelt requirements for Type II buses manufactured on or after July 1, 2004, and a mandatory fire extinguisher. There are additional equipment requirement variations on buses depending on whether the bus is a Type I or a Type II bus as defined in 13 CCR Section 1201.

The CHP will inspect a PAB limousine the same way CHP inspects a tour bus. A limousine as defined in Section 5371.4(i) PUC, includes any sedan or sport utility vehicle, of either standard or extended length, with a seating capacity of not more than 10 passengers including the driver, used in the transportation of passengers for hire on a prearranged basis within this state. By definition (CVC, Section 233) a limousine is not a bus; therefore, is not within the scope of this rulemaking proposal.

5th Commenter:

Mr. Chris Quinn

Board Member

Greater California Livery Association

Comment: "Chris Quinn with the Greater California Livery Association as well, and an operator of buses in the State of California, buses that would meet this new PAB requirement. Currently, our fleet is required to undergo its annual terminal inspection in which CHP Motor Carrier Unit does come out and do a terminal inspection, not only our records, and those types of things, but obviously the vehicles themselves, as the other gentlemen had mentioned, the vehicles need to be taken out of service because obviously they need to be there, that needs to be coordinated and the nature of our business sometimes with last minute work and things that happen, you can set an appointment to have the Motor Carrier Unit come out to do an inspection and all of a sudden work starts to fill in, and you're forced to pull this equipment off-line which does take an extended period of time. I think the Motor Carrier folks get through fairly swiftly, but you're looking at least half of a day to be able to get through equipment, paperwork. I've had them in my facility, which happens to be headquartered right near the CHP Academy in West Sacramento, and I've had them there for as long as 7 hours, and everything passes with flying colors. But just the time it takes to get through that process, so to think about having to double up on that and do that again, and asking the folks who did that inspection last year, when I ask them what is the difference between what you're doing now and a SPAB certification. They said essentially it's the same thing, so some of it is just almost a paperwork side where they're checking background checks and things like that maybe, but for the vehicle side, its essentially the same inspection, they're going through all the working components of those vehicles, and

again it would be the same thing, and to think of having, particularly in this economy but any economy, knowing that we're bringing this equipment off-line, to then be subjected to an increase in fee I think is kind of a burdensome process for most of our operators. Thank You."

CHP Response:

The 13 month PAB vehicle inspection requirement encompasses the vehicle only and the last periodic safety inspection, e.g., the most recent, 3,000 mile or 45 day periodic preventive maintenance inspection report. The PAB inspection does not encompass the complete annual terminal inspection referenced by the commenter. The inspection referenced by this rulemaking is specific to those vehicles used in PAB service. Each vehicle used to transport pupils, in a manner defined in CVC, Section 545(k), is required an annual inspection; however, vehicles inspected during the annual terminal inspection, may use that inspection to satisfy the PAB requirements. The enabling statute only requires that an annual inspection take place.

Depending upon the terminal fleet size, terminals with small fleets may have all of its vehicles inspected during the annual terminal inspection. Terminals with larger fleet sizes will most likely have a portion of the PAB fleet inspected separately. In general, all buses that require individual vehicle certification, i.e., School, SPAB, Youth, GPPV, have the same inspection requirement; however, most require a separate certification document.

STUDIES/RELATED FACTS

The provisions of Assembly Bill 830 became operative January 1, 2009, and mandated the CHP adopt rules and regulations specific to PAB vehicles. These amendments are promulgated as a result of the mandate.

The following documents lend support or are otherwise related to this proposed rulemaking. Copies of these documents, or relevant portions thereof, can be obtained from the CHP by telephone at our Commercial Vehicle Section at (916) 843-3400, 1-800-735-2929 (TT/TDD), 1-800-735-2922 (Voice), via Facsimile at (916) 332-3154, or by e-mail; cvsregs@chp.ca.gov. Please note: All requested materials will be sent via United States Mail. The documents are also available on the Internet.

Title 13 is available on-line at <http://ccr.oal.ca.gov>

California Codes are available on-line at <http://www.leginfo.ca.gov>

The SAE Standard J687c, June 1972, is a supporting document to this proposed rulemaking. As this document is copyrighted by SAE, copies are not available for mailing by CHP. The standard may be viewed, by appointment only, at the CHP, Commercial Vehicle Section (CVS). A copy of this document is also available from the SAE. You may contact the SAE at (877) 606-7323 and request purchase of SAE J687c, June 1972.

ALTERNATIVES

Amend the existing regulations in 13 CCR to address the needs of school pupil transportation providers: The CHP has determined that no reasonable alternative identified by the CHP, or that has otherwise been brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

This is the alternative selected as it best meets the needs of many school pupil transportation providers and the Department without a compromise to safety.

Alternatives Identified and Rejected

Make no changes to existing regulation. This alternative was rejected because it fails to provide for conformance to the Legislative intent contained in Assembly Bill 830 as approved in the 2008 Legislative session.

LOCAL MANDATE

These regulations do not impose any new mandate on local agencies or school districts.

ECONOMIC IMPACT ON BUSINESS

While a fee of \$75 is imposed on each vehicle inspected, the inspection of the vehicle is for a purpose not previously permitted. This has the potential to expand the business opportunities of the effected industry.

A charter-party carrier business choosing to operate a motor vehicle pursuant to CVC, Section 545(k), will be charged a \$75 annual inspection fee for each vehicle. There are approximately 3,723 buses in California, as indicated by the California Public Utilities Commission (CPUC), which operate motor vehicles with an 11-25 passenger capacity that are eligible to take advantage of the school bus exception. Businesses in California may incur an estimated total cost of \$279,225 annually, if every eligible bus participates in the pupil activity bus program.

FISCAL IMPACT TO THE STATE

The Department has determined these regulation amendments will result in:

- No significant increased costs for owners or operators of school pupil transportation providers;
- No significant compliance cost for persons or businesses directly affected, other than to reimburse those costs incurred by the CHP; the CHP may incur an approximate cost of \$336,409 annually; associated to conducting the annual motor vehicle inspections of vehicles operated pursuant to CVC, Section 545(k); if every eligible bus based in California

participated in the program. There are approximately 3,723 buses in California, as indicated by the CPUC, operated by 1,079 for-hire passenger charter-party carriers, with an 11-25 passenger capacity, eligible for the pupil activity bus program; Assembly Bill No. 830, Chapter 649, 2008, permits the CHP to charge a charter-party carrier a reasonable fee sufficient to cover the costs incurred for conducting the annual inspections;

- No discernible adverse impact on the quantity and distribution of goods and services to large and small businesses or the public;
- No impact on the level of employment in the state; and
- No impact on the competitiveness of this state to retain businesses.